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Air Pollution Regulations in State Implementation Plans: Utah

Abcor Inc, Wilmington, MA Walden Div

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Office of Air Quality
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Research Triangle Park NC 27711

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Air Pollution Regulations in State Implementation Plans: Utah

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

Utah

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

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EPA Project Officer: Bob Schell

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-094

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

UTAH

Submittal Date	Approval Date	Description
5/18/72	5/31/72	Clarification of Original Regulations, Sections 3.5.1, 4.1
9/13/72	5/14/73	Section 1.3.3
7/10/75	4/27/77	Entire package: all regulations renumbered. Some changed, added, or deleted. Sections 1.3, 1.4, 1.5, 1.6, 2.5 Note: Section 2.5 is disapproved. 3.5 is disapproved. 3.5 was changed to 2.3 in the 7/10/75 submittal therefore 2.3 is disapproved.

FEDERAL REGULATIONS

Section Number	Description
52.2325	Control Strategy: Sulfur Oxides
52.2327	Compliance Schedules
52.2328	Review of New or Modified Indirect Sources
52.2330	Rules and Regulations: Particulate Matter
52.2334	Review of New Sources and Modifications
52.2346	Prevention of Significant Deterioration

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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UTAH STATE DIVISION OF HEALTH

AIR CONSERVATION REGULATIONS

FOREWARD

The Air Conservation Act and these Air Conservation Regulations constitute the legal bases for control of air pollution sources in the State of Utah. These Regulations have been adopted by the Utah Air Conservation Committee and the Utah State Board of Health under authority of Section 26-24-5 and 26-15-5, Utah Code Annotated, 1953, as amended.

These Regulations apply and will be enforced throughout the State of Utah, whether adopted by local governments or not. They are recommended for adoption in local jurisdictions where environmental specialists are available to cooperate in implementing Regulation requirements.

These Regulations are designed to facilitate addition of new sections as they are adopted. It is recognized that rapid growth of technical and scientific knowledge coupled with knowledge acquired by experience will necessitate revision of these Regulations from time to time.

Federal ambient and new source standards apply throughout the Nation and are legally enforceable in Utah. Therefore, a summary of the Federal standards* is included in Appendix A for convenience of reference.

The Committee and Board have interpreted their duties, as assigned by Legislative Act, in the following language:

"..... (1) to determine the kinds and concentrations of pollutants in the air, (2) to control the release of air pollutants to achieve a quality of air that is not harmful to man, animals, or vegetation, or which creates property damage, (3) to control man-caused air contamination which aggravates the visibility problem to which Utah is periodically subjected due to natural meteorological phenomena, (4) whenever economically feasible, to reduce or eliminate the production of pollutants which are a nuisance though not harmful to man, animals or vegetation, (5) to establish an alert system enforcing curtailment of activities of major pollution sources that are not amenable to permanent control."

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* The Utah Air Conservation Committee and the State Board of Health do not necessarily agree with most of the specific limits selected for ambient standards by the Federal Government. (Reference March 17, 1971 letter from the Executive Secretary Utah Air Conservation Committee to Mr. William D. Ruckelshaus, Administrator, Environmental Protection Agency.)

The Committee has adopted the following air quality monitoring policy:

Determining ambient air pollutant concentrations is, at best, a complex operation if meaningful and useful data are to be obtained. In mountainous terrain. characteristic of most of Utah, the difficulties are particularly severe because micrometeorological variables are superimposed upon the macrometeorological situation and frequently predominate. Under these circumstances a valid monitoring program for the State must be developed on at least one unchanging base-line for reference, consisting of a network of permanently located stations at strategic sites. On this premise, it is concluded that the State monitoring system shall include an appropriate number of permanent stations capable of continuously monitoring all of the pollutants of interest, augumented with semi-permanent stations of a number and capability to assess air quality in any location deemed necessary.

UTAH STATE DIVISION OF HEALTH

AIR CONSERVATION REGULATIONS

PART I

(1.0)
(2.0) DEFINITIONS AND GENERAL REQUIREMENTS

1.1.1 Air contaminant means any particulate matter or any gas, vapor, suspended solid or any combination thereof, excluding steam and water vapors. (Section 26-24-2 (1) UCA, 1953, as amended)

1.1.2 Air contaminant source means any and all sources of emission of air contaminants whether privately or publicly owned or operated (Section 26-24-2 (2) UCA, 1953, as amended)

1.1.3 Air Pollution means the presence in the ambient air of one or more air contaminants in such quantities and duration and under conditions and circumstances, as is or tends to be injurious to human health or welfare, animal or plant life or property or would unreasonably interfere with the enjoyment of life or use of property, as determined by the standards, rules and regulations adopted by the Air Conservation Committee. (Section 26-24-2 (3) UCA, 1953, as amended)

1.1.4 Ambient air means the surrounding or outside air. (Section 26-24-2 (4) UCA, 1953, as amended)

1.1.5 Appropriate authority means the governing body of any city, town or county.

1.1.6 Atmosphere means the air that envelops or surrounds the earth and includes all spaces outside of building, stacks or exterior ducts.

1.1.7 Authorized local authority means a city, county, city-county, or district health department; a city, county, or combination fire department; or other local agency duly designated by appropriate authority, with approval of the State Division of Health, as the agency to issue permits for open burning and perform other appropriate functions under regulations of the State Division of Health and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

1.1.8 Board means the Utah State Board of Health.

1.1.9 BTU means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

1.1.10 Clearing index means a number indicating the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the National Weather Service, from daily measurements of temperature lapse rates and wind speeds and directions from ground level to 10,000 feet. (See appendix for further details)

1.1.11 Committee means Utah Air Conservation Committee.*

1.1.12 Director means the Director of the Utah State Division of Health.*

1.1.13 Division means Utah State Division of Health.*

1.1.14 Executive Secretary means the executive secretary of the Committee. (Section 26-24-2 (11) UCA, 1953, as amended)

1.1.15 Emission means the act of discharging, into the atmosphere, an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

1.1.16 Existing installation means a plant, process, process equipment, or a device, construction of which began prior to the effective date of any regulation having application to it.

1.1.17 Facility means machinery, equipment, structures or any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

1.1.18 Garbage means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

1.1.19 Heavy fuel oil means a petroleum product or similar material with a boiling point higher than that of diesel fuel.

1.1.20 Household waste means any solid or liquid material normally generated by a family in a residence in the course of ordinary day-to-day living, including but not limited to garbage, paper products, rags, leaves and garden trash.

1.1.21 Open burning means any burning of combustible materials resulting in emission of products of combustion into open air without passage through a chimney or stack.

1.1.22 Person means any individual, public or private corporation, partnership, association, firm, trust, estate, the state or any department, institution, bureau, or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by the law as being subject to rights and duties. (Section 26-24-2 (5) UCA, 1953, as amended)

1.1.23 Refuse means solid wastes, such as garbage and trash.

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* See Section 26-24-2 UCA, 1953, as amended.

1.1.24 Ringelmann Chart means the chart published by the U.S. Bureau of Mines (Information Circular 7718) which illustrates graduated shades of grey to black for use in determining the light obscuring capability of particulate matter.

1.1.25 Salvage operation means any business, trade or industry engaged in whole or part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

1.1.26 Total suspended particulate means any dispersed matter, collected by the high volume sampler procedure.*

1.1.27 Trash means solids not considered to be highly flammable or explosive, including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

1.1.28 Waste means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business trade or industry.

1.1.29 Equivalent opacity means the relationship of opaqueness or percent obstruction of light to the Ringelmann chart for shades other than black and is approximately equal to the following:

Equivalent Opacity (%)	Ringelmann No.
20	1
40	2
60	3
80	4
100	5

1.1.30 LPG means liquid petroleum gas such as propane or butane.

1.1.31 Federal Ambient Air Standards means the allowable concentrations of air pollutants in the ambient air specified by the Federal Government and can be found in Title 40 Code of Federal Regulations, Part 50.

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* Daily sampling as specified in Title 40 Code of Federal Regulations Part 50 as published in the Fed. Reg. Vol. 36, No. 228, Thurs. Mar. 25, 1971 pages 22384 - 22397

(2.0) 1.2 Air Pollution Prohibited Emission of air contaminants in sufficient quantities to cause air pollution as defined in paragraph 1.1.3 is prohibited.*

(2.0) 1.3 Air Quality Degradation Regulated In areas of present high air quality where measured or estimated ambient levels of controllable pollutants are below the levels specified by applicable standards, any emission of pollutant to the ambient air must be shown to result in pollution levels, as determined by appropriate evaluating procedures, within applicable ambient air standards, and will be prohibited in any case unless shown to be controlled to afford the highest efficiencies and the lowest discharge rates that are reasonable and practicable as specified in Section 1.7, below.

(13.0) 1.4 Periodic Reports of Emissions - Availability of the Information The owner or operator of any stationary air-contaminant source in Utah shall furnish to the Committee the periodic reports required under Subsection 26-24-5 (3) Utah Code Annotated, 1953, as amended, and any other information as the Committee may deem necessary to determine whether the source is in compliance with Utah and federal regulations and standards. The information thus obtained will be correlated with applicable emission standards or limitations and will be available to the public during normal business hours at the appropriate office of the Division.

(5.0) 1.5 Variances Authorized Variance from these regulations may be granted by the Committee as provided by law (See Section 26-24-11 (5), UCA, 1953, as amended).

a. To permit continued operation of an air pollution source for the time period involved in installing or constructing air pollution control equipment in accordance with a compliance schedule negotiated by the Exective Secretary and approved by the Committee.

b. To permit continued operation of an air pollution source where there is no practicable means known or available for adequate prevention, abatement, or control of the air pollutants involved. Such a variance shall be only until the necessary means for prevention, abatement, or control become known and available, subject to the use of substitute or alternate measures the Committee may prescribe.

c. To permit continued operation of an air pollution source where the control measures, because of their extent or cost, must be spread over a considerable period of time.

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* The State Statute provides for penalties up to $50,000/day for violation of State Statutes, Regulations, Rules or standards. (See Section 26-24-13, UCA, 1953, as amended, for further details.)

Variance requests may be submitted by the owner or operator who is in control of any plant, building, structure, establishment, process or equipment.

(2.0) 1.6 Notice of Intent to Construct Required

1.6.1 Except for the exemptions listed herein, any person planning to construct a new installation which will or might reasonably be expected to become a source of air pollution or to make modification to an existing installation which will or might reasonably be expected to increase the amount or change the effect of, or the character of, air contaminants discharged, so that such installation may be expected to become a source of air pollution, or any person planning to install an air cleaning device or other equipment intended to control emission of air contaminants from a stationary source, shall submit to the Executive Secretary a notice of intent to construct prior to initiation of construction.

1.6.2 Within 15 days of receipt of such notice, the Executive Secretary may require the submission of plans, specifications and such other information as he deems necessary to determine whether the proposed construction, installation, or establishment will be in accord with applicable sections of Utah Air Conservation Regulations, Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources, and National Primary and Secondary Ambient Air Quality Standards.

1.6.3 Within 90 days of receipt of plans, specifications and other information required under this section, the Executive Secretary shall issue an order prohibiting the proposed construction, installation or establishment if he deems any part of it inadequate to meet pertinent regulations including the Environmental Protection Agency Regulations on National Primary and Secondary Ambient Air Quality Standards and Standards of Performance for New Stationary Sources, or if he needs more time, not to exceed three 30-day extensions, to review the proposal.

1.6.4 Prior to approving or disapproving the construction of a new installation, the Executive Secretary will advertise notice of his intent to approve or disapprove the construction in a newspaper of general circulation in the locality of the proposed construction site. A 30-day period will be allowed for submission of public comment; at least one location will be provided where the information submitted by the owner or operator and the State's analysis of the effect of the facility on air quality will be available for public inspection. Any comments received during the 30-day period will be considered before issuing an approval notice or an order prohibiting the construction.

1.6.5 Whenever the Executive Secretary determines that the plans, specifications and other information submitted, with such revisions as he may require, are in accord with applicable requirements, he will issue an

approval order permitting the proposed construction, installation or establishment, with the further stipulation that all such devices be maintained in good working order. To accommodate stage construction of a large facility, he may issue approval notice of an initial stage prior to receipt of detailed plans for the entire facility provided he is satisfied through a review of general plans that the facility is feasible under the intent of these regulations. Subsequent detailed plans will then be received and processed as prescribed in this section.

1.6.6 The following information should be submitted with the notice of construction;

a. A description of the nature of the process(es) involved; the nature, procedures for handling, and the quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product.

b. Expected composition and physical characteristics of effluent stream both before and after treatment by an air cleaning device, including emission rate, volume, temperature, and concentration of air contaminants.

c. Size, type, and performance characteristics of air cleaning devices.

d. Location and elevation of the emission point and other factors relating to dispersion and diffusion of the air contaminant in the relation of the emission to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent.

e. The location of planned sampling points and the tests to be made of the completed installation by the owner when necessary to ascertain compliance.

1.6.7 The following types of installations are exempt from the notice of intent to construct requirement:

a. Comfort heating equipment, boilers, water heaters, air heaters, and steam generators with a rated capacity of less than one million BTU per hour.

b. Comfort ventilating systems.

c. Unit space heaters.

d. Vacuum cleaning systems used exclusively for commercial or residential housekeeping.

e. Exhaust systems for controlling steam and heat which do not contain combustion products.

f. Fuel-burning equipment using no other fuel than natural gas, or LPG or other mixed gas distributed by a utility in accordance with the rules of the Public Service Commission of the State of Utah, unless there are emissions other than combustion gases.

(2.0) 1.7 Requirements of Pollution Control Equipment Specified

In all areas of the State, air pollution control equipment and processes shall be selected and operated so as to afford the highest efficiencies and the lowest discharge rates that are reasonable and practicable. Reasonableness and practicability as determined by the Committee shall take into account, among other things, the concentration and characteristics of the air contaminant in the gas stream, technical feasibility for control, and cost benefit relationships.

UTAH STATE DIVISION OF HEALTH

AIR CONSERVATION REGULATIONS

PART II

(50.0)
(51.0) EMISSION STANDARDS* (adopted by the Committee and Board after public hearing)

(51.13) 2.1 Open Burning. (Original Effective date 3/5/69)

2.1.1 Community Waste Disposal - no open burning shall be done at sites used for disposal of community trash, garbage and other wastes except as authorized through a variance or as authorized for a specific period of time by the Air Conservation Committee on the basis of justifiable circumstances reviewed and weighed in terms of pollution effects and other relevant considerations at appropriate hearing following written application.

2.1.2 General Prohibitions - no person shall burn any trash, garbage or other wastes, nor shall conduct any salvage operation by open burning except in conformity with the provisions of Sections 2.1.3 and 2.1.4 below.

2.1.3 Permissible Burning - Without Permit - when not prohibited by other laws or by other officials having jurisdiction and provided that a nuisance is not created, the following types of open burning are permissible without the necessity of securing a permit.

a. In devices for the primary purpose of preparing food such as outdoor grills and fireplaces.

b. Camp fires and fires used solely for recreational purposes where such fires are under control of a responsible person.

c. Indoor fireplaces.

d. Properly operated industrial flares for combustion of flammable gases.

e. Burning, on the premises, of combustible household wastes generated by occupants of dewllings of four family units or less in those areas only where no public or duly licensed disposal service is available.

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* Sections 1.3 and 1.7 may require more stringent controls than listed herein; in any event the requirements of Sections 1.3 and 1.7 must be met.

2.1.4 Permissible Burning - With Permit - Exemptions - when not prohibited by other laws or other officials having jurisdiction and when a nuisance is not created, the types of open burning listed as a, b, c, d and e, below, are permissible; (1) under the terms of individual permits issued by authorized local authority under a "clearing index" system approved and coordinated by the Utah State Division of Health, or (2) when specifically exempted by the Air Conservation Committee, following written application and appropriate hearing. Application under (2) may be made by a political subdivision of the State as well as by an individual citizen.

a. Open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber.

b. Open burning of trees and brush within railroad and public road rights-of-way provided that dirt is removed from stumps before burning, and that tires, oil more dense than #2 fuel oil or other materials which can cause severe air pollution are not used to start fires or keep fires burning.

c. Open burning of solid or liquid fuels or structures for removal of hazards or eyesores or for fireman training purposes when conducted under the direct control and supervision of organized fire departments.

d. Open burning, in remote areas, of highly explosive or other hazardous materials, for which there is no other known practical method of disposal.

e. Open burning for special purposes, or under unusual circumstances when approved by the Division following formal request therefore.

(50.1.2) 2.2 Visible Emissions (Original Effective date 4/25/71)

2.2.1 Single sources of emission from existing installations except incinerators and internal combustion engines shall be of a shade or density no darker than a No. 2 Ringelmann Chart (40% black) or an equivalent opacity except as provided in Section 2.2.6.

2.2.2 Single sources of emission from any incinerator or any other new installation except internal combustion engines shall be of a shade or density no darker than a No. 1 Ringelmann Chart (20% black) or an equivalent opacity, except as provided in Section 2.2.6.

a. For the purposes of this Section, "new installation" shall mean a plant, process or process equipment, construction of which began following the effective date of the regulation concerned. A modified process unit or system shall be construed as a new installation if a physical change in, or change in the method of a process unit or system, increases the amount of any air pollutant by such

unit or system or results in the emissions of any air pollutant not previously emitted. An increase in either production rate or hours of operation alone shall not be considered a change in method of operation.

2.2.3 No owner or operator of a gasoline powered vehicle shall allow, cause or permit the emission of visible contaminants except for starting motion no farther than 100 yards or for stationary operation not exceeding 3 minutes in any hour.

2.2.4 Emissions from diesel engines manufactured after January 1, 1973 shall be of a shade or density no darker than a No. 1 Ringelmann Chart (20% black), or an equivalent opacity, except for starting motion no farther than 100 yards or for stationary operation not exceeding 3 minutes in any hour.

2.2.5 Emissions from diesel engines manufactured before January 1, 1973 shall be of a shade or density no darker than a No. 2 Ringelmann Chart (40% black), or equivalent opacity, except for starting motion no farther than 100 yards or for stationary operation not exceeding 3 minutes in any hour.

2.2.6 Exceptions

a. Excessive emissions resulting from the unavoidable break-down of equipment or procedures must be reported immediately (within 24 hours) to the Executive Secretary. Within five days of the beginning of such an incident, a written report shall be submitted to the Executive Secretary which shall include the cause and nature of the event, estimated quantity of pollutant, time of emissions, and steps taken to control the emission and to prevent recurrence. Such emission shall not be deemed in violation providing this report is considered acceptable to the Executive Secretary. If such emissions are predictable, they are covered by the variance procedure.

b. When conducting a procedure or using equipment necessary to the operation of a process other than planned maintenance such as, but not limited to, building a new fire, tube blowing, initial warm-up or start-up locomotives, or cleaning grates, the limits specified in these regulations may be exceeded when it can be demonstrated to be unavoidable.

Emissions exceeding the standard as the result of planned maintenance on an air cleaning unit shall not be deemed a violation provided the Executive Secretary is notified prior to the shut-down of the control unit and he determines that simultaneous shut-down of the air pollution source is not practical.

c. For all other excessive emissions the variance procedure may be employed.

d. An emission failing to meet the standard because of the effect of uncombined water shall not be in violation.

2.2.7 Compliance Method - emissions shall be brought into compliance with these requirements by reduction of the total weight of contaminants discharged per unit of time rather than by dilution of emissions with clean air.

(51.6) 2.4 Sulfur Content of Fuels (Original Effective date 9/26/71)

2.4.1 Coal or oil burned in any fuel burning or process installation shall contain no more than 1.0% sulfur by weight or 1.5% sulfur by weight, respectively,* except as provided in Section 2.4.2.

2.4.2 Any person engaged in operating fuel burning equipment using coal or fuel oil, may apply for an exemption from the sulfur content restrictions of Section 2.4.1. His application shall furnish evidence, to the satisfaction of the Executive Secretary, that the fuel burning equipment is operating in such a manner as to prevent the emission of sulfur dioxide in amounts greater than would be produced under the limitations of Section 2.4.1. Control apparatus to continuously prevent the emission of sulfur greater than provided by Section 2.4.1 must be specified in the application for an exemption.

2.4.3 In case an exemption is granted, the operator shall install monitoring devices approved by the Executive Secretary. The operator shall provide the Executive Secretary with a monthly summary of the data from such monitors. This summary shall be such as to show the degree of compliance with Section 2.4.1. It shall be submitted no later than the calendar month succeeding its recording.

2.4.4 Methods for determining sulfur content of coal and fuel oil shall be those methods of the American Society for Testing and Materials.

(12.0) 2.6 Automobile Emissions

2.6.1 Automobile Emission Control Devices (Original Effective Date 1/23/72) Any person owning or operating any motor vehicle or motor vehicle engine registered in the State of Utah on which is installed or incorporated a system or device for the control of crankcase emissions or exhaust emissions in compliance with the Federal motor vehicle rules, shall maintain the system or device in operable condition and shall use it at all times that the motor vehicle or motor vehicle engine is operated. No person shall remove or make inoperable within the State of Utah the system or device or any part thereof, except for the purpose of installing another system or device, or part thereof, which is equally or more effective in reducing atmospheric emissions from the vehicle.

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* Coal containing 1.0% sulfur and oil containing 1.5% sulfur have approximately the same atmospheric SO_x potential per million BTUs of heat production. Any combination of fuels not exceeding this potential will be acceptable.

UTAH STATE DIVISION OF HEALTH

AIR CONSERVATION REGULATIONS

PART III

(8.0) EMERGENCY CONTROLS* (Adopted by the Committee and Board after public hearing)[1]

(8.0) 3.1 Air Pollution Emergency Episodes (Effective date 1/23/72)

3.1.1 Determination of an episode and its extent or stage shall be made by the Executive Secretary taking into consideration the following levels of pollutant concentrations:

	Ambient Pollutant Concentration			
Pollutant	Time	Stage I	Stage II	Never to be Exceeded[1]
Particulate (ug/m^3)[2]	24 hours	500	800	1000
Particulate (COH units)[3]	24 hours			8
Sulfur Oxides (ppm)[4]	24 hours	0.5	0.8	1.0
Product of Particulate and Sulfur Oxide, both in ug/m^3	24 hours	300,000	450,000	490,000
Product of Particulate expressed in COH units and Sulfur Oxide expressed in ppm				1.5
Carbon Monoxide (ppm)	1 hour	80		125
	4 hours			75
	8 hours	30	40	50
Nitrogen dioxide (ppm)	1 hour	1.0	1.4**	2.0
	24 hours	0.3	0.4	0.5
Oxidants (ppm)	1 hour	0.3	0.5**	0.7
	2 hours			0.6
	4 hours			0.4
	24 hours	0.1	0.2	

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[1] The levels listed under "Stage I" and Stage II" are values set by the State; the values under the "Never to be Exceeded" column are Federal requirements applicable throughout the United States.

[2] ug/m^3 is micrograms per cubic meter

[3] OCH unit is a measure of the light obscuring capability of sampled air.

[4] ppm is parts per million.

* A more detailed description of the Emergency Episode procedures is contained in the Utah Implementation Plan.

** These Standards were inserted as an interpretation and submitted on May 18, 1972.

3.1.2 The Executive Secretary shall also take into consideration, to determine an episode and its extent, rate of change of concentration, meteorological forecasts, and the geographical area of the episode, including a consideration of point and area sources of emission, where applicable.

3.1.3. If an episode is determined to exist, the Director, with concurrence of the Governor shall:

(a) Make public announcements pertaining to the existence, extent and area of the episode.

(b) Require corrective measures as necessary to prevent a further deterioration of air quality.

3.1.4 Episode termination shall be announced by the Director, with concurrence of the Governor, once monitored pollutant concentration data and meteorological forecasts determine the crisis is over.

APPENDIX A

(4.0) Part I - National Ambient Air Standards*

A. Particulate

1. National Primary Ambient Air Standard for Particulate - 75 micrograms per cubic meter of air, annual geometric mean; and 260 micrograms per cubic meter of air, maximum 24-hour concentration not to be exceeded more than once per year.

2. National Secondary Ambient Air Standard for Particulate - 60 micrograms per cubic meter of air, annual geometric mean, as a guide to be used in assessing implementation plans to achieve the 24-hour standard; and 150 micrograms per cubic meter, maximum 24-hour concentration not to be exceeded more than once per year.

B. Sulfur Oxides

1. National Primary Ambient Air Standard for Sulfur Oxides (sulfur dioxide) - The national primary ambient air quality standards for sulfur oxides, measured as sulfur dioxide by the reference methods described in 40 CFR, Part 50, Appendix A, or by an equivalent method, are:

   (a) 80 micrograms per cubic meter (0.03 ppm) - annual arithmetic mean.

   (b) 365 micrograms per cubic meter (0.14 ppm) - maximum 24-hour concentration not to be exceeded more than once per year.

2. National Secondary Ambient Air Quality Standard for Sulfur Oxides

   (sulfur dioxide) - The national secondary ambient air quality standard for sulfur oxides, measured as sulfur dioxide by the reference method described in 40 CFR, Part 50, Appendix A, or by an equivalent method, is 1,300 micrograms per cubic meter (.15 ppm) maximum 3-hour concentration not to be exceeded more than once per year.

C. Carbon Monoxide

1. National Primary and Secondary Ambient Air Standard for Carbon Monoxide - 9 ppm maximum 8-hour concentration not to be exceeded more than once per year; and 35 ppm maximum 1-hour concentration not to be exceeded more than once per year.

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* National Ambient Air Standards are found in Title 40, Code of Federal Regulations, Part 50. Measurement of standards are by methods stated in above publication and are to be corrected to a reference temperature of 25° C and a reference pressure of 760 millimeters or mercury.

D. Photochemical Oxidants

1. National Primary and Secondary Ambient Air Standard for Photochemical Oxidants - .08 ppm maximum 1-hour concentration not to be exceeded more than once per year.

E. Hydrocarbons

1. National Primary and Secondary Ambient Air Standard for Hydrocarbons The hydrocarbon standard is for use as a guide in devising implementation plans to achieve oxidant standards and is .24 ppm maximum 3-hour concentration (6 to 9 A.M.) not to be exceeded more than once per year.

F. Nitrogen Oxides

1. National Primary and Secondary Ambient Air Standard for Nitrogen Oxides - .05 ppm annual arithmetic mean measured as nitrogen dioxide.

(10.0) Part II - Federal Standards of Performance for New Stationary Sources

A. Standards of Performance for Fossil-Fuel Fired Steam Generators

1. Standard for Particulate Matter - emission of particulate matter shall not exceed 0.18 grains per million calories heat input (0.10 lbs. per million BTU) derived from fossil fuel.

2. Standard for Sulfur Dioxide - emission of sulfur dioxide shall not be in excess of (a) 1.4 grains per million calories heat input (0.80 lbs. per million BTU) derived from liquid fossil fuel (b) 2.2 grains per million calories heat input (1.2 lbs. per million BTU) derived from solid fossil fuel (c) when different fossil fuels are burned simultaneously in any combination the applicable standard shall be determined by proration using the following formula:

$$\frac{y\ (1.4) + a\ (2.2)}{y + z}$$

where:

y = the percentage of total heat input derived from liquid fossil fuel.

z = the percentage of total heat input derived from solid fossil fuel.

(d) compliance shall be based on total heat input from all fossil fuels burned, including gaseous fuels.

3. Standard for Nitrogen Oxides - no emission of nitrous oxides, expressed as NO_2, shall be in excess of: (a) .036 grains per

million calories of heat input (0.20 lbs. per million BTU) derived from gaseous fossil fuel (b) 0.54 grains per million calories of heat input (0.30 lbs. per million BTU) derived from liquid fossil fuel (c) 1.26 grains per million calories heat input (0.70 lbs. per million BTU) derived from solid fossil fuel (except lignite) (d) when different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$\frac{x\ (.036) + y\ (0.54) + z\ (1.26)}{x + y + z}$$

where:

x = the percentage of total heat input derived from gaseous fossil fuel.

y = the percentage of total heat input derived from liquid fossil fuel.

z = the percentage of total heat input derived from solid fossil fuel (except lignite).

B. Standards of Performance for Incinerators (Charging rate greater than 50 tons per day)

1. Standard for Particulate Matter - particulate emissions shall not exceed 0.18 g/dscm (0.08 gr/dscf) corrected to 12% CO_2*.

C. Standards of Performance for Portland Cement Plants

1. Standard for Particulate Matter - (a) particulate emissions from any kiln shall not exceed: (1) 0.15 kg per metric ton of feed (dry basis) to the kiln (0.30 lbs. per ton), (2) 10 percent opacity (excluding the presence of uncombined water) (b) particulate emissions from any clinker cooler shall not exceed: (1) 0.050 kg per metric ton of feed (dry basis) to the kiln (0.10 lbs. per ton), (2) 10 percent opacity (excluding the presence of uncombined water) (c) no emissions of any gases may be discharged into the atmosphere from any affected facility other than the kiln or clinker cooler which exhibit 10% opacity or greater, (excluding the presence of uncombined water).

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*Methods for calculating the adjusted CO_2 percentage are contained in Title 40 CFR, Part 60, Subpart E, paragraph 60.54.

D. Standards of Performance for Nitric Acid Plants

1. Standards for Nitrogen Oxides - emissions of nitrogen oxides, expressed as NO_2 shall not exceed: (a) 1.5 kg per metric ton of acid produced (3.0 lbs. per ton), the production being expressed as 100 percent nitric acid (b) 10% opacity (excluding the effects of uncombined water).

E. Standards of Performance for Sulfuric Acid Plants

1. Standards for Sulfur Dioxide - no emissions of sulfur dioxide shall exceed: (a) 2 kg per metric ton of acid produced (4 lbs. per ton) the production being expressed as 100 percent H_2SO_4.

2. Standards for Acid Mist - no emissions of acid mist, expressed as H_2SO_4 shall exceed: (a) 0.075 kg per metric ton of acid produced (0.15 lbs. per ton) the production being expressed as 100% H_2SO_4, (b) 10% opacity or greater (excluding the effect of uncombined water).

F. Standard of Performance for Asphalt Concrete Plants

1. Standard for Particulate Matter - particulate emissions shall not exceed: (a) 90 mg/dscm (0.04 gr/dscf) (b) 20% opacity (excluding the effect of uncombined water).

G. Standards for Performance of Petroleum Refineries

1. Standard for Particulate Matter - (a) no emissions of particulate matter from any fluid catalytic cracking unit catalyst regenerator or from any fluid catalytic cracking unit incinerator-waste heat boiler shall exceed: (1) 1.0 kg/1000 kg (1.0 lbs./1000 lbs.) of coke burn-off in the catalyst regenerator, (2) 30 percent opacity or greater, except for 3 minutes in any 1 hour (excluding the effects of uncombined water) (b) in those instances in which auxiliary liquid or solid fossil fuels are burned in the fluid catalytic cracking unit incinerator waste heat boiler, particulate matter in excess of that permitted in paragraph (1) (a) of this section may be emitted to the atmosphere, except that the incremental rate of particulate emissions shall not exceed 0.18 g/million calories (0.10 lbs./million BTU) of heat input attributable to such liquid or solid fuel.

2. Standard for Carbon Monoxide - no emission of carbon monoxide from a fluid catalytic cracking unit catalyst regenerator shall exceed: (a) 0.050 percent by volume.

3. Standard for Sulfur Dioxide - no fuel gas may be burned in any fuel gas combustion device which contains H_2S in excess of: (a) 230 mg/dscm (0.10 gr/dscf), except as provided in paragraph

(b) below. The combustion of process upset gas in a flare, or the combustion in a flare of process gas or fuel gas which is released to the flare as a result of relief valve leakage, is exempt from this paragraph, (b) the owner or operator of a petroleum refinery may elect to treat the gases resulting from the combustion of fuel gas in a manner which limits the release of SO_2 to the atmosphere if it is shown to the satisfaction of the Administrator that this prevents SO_2 emissions as effectively as compliance with the requirements of paragraph (a) above.

H. Standards of Performance for Storage Vessels for Petroleum Liquids

1. Standard for Hydrocarbons - petroleum liquids shall be stored as follows: (a) if true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents, (b) if the true vapor pressure of petroleum liquid is greater than 570 mm Hg (11.1 PSIA), the storage vessel shall be equipped with a vapor recovery system or its equivalent.

I. Standards of Performance for Secondary Lead Smelters and Secondary Brass and Bronze Ingot Production Plants

1. Standard for Particulate Matter - (a) no emission of particulate matter from a blast (cupola) or reverberatory furnace shall exceed: (1) 50 mg/dscm (0.022 gr/dscf), (2) 20% opacity (excluding the effects of uncombined water) (b) emissions of particulate matter from any pot furnace shall not exceed: (1) 10 percent opacity (excluding the effects of uncombined water).

J. Standards of Performance for Secondary Brass and Bronze Ingot Production Plants

1. Standard for Particulate Matter - (a) no particulate emissions from a reverberatory furnace shall exceed: (1) 50 mg/dscm (0.022 gr/dscf), (2) 20 percent opacity (excluding the effects of uncombined water) (b) no particulate emissions from any blast (cupola) or electric furnace shall exceed: (1) 10 percent opacity (excluding the effects of uncombined water).

K. Standards of Performance for Iron and Steel Mills

1. Standards of Performance for Particulate Matter - emissions of particulate matter shall not exceed: (a) 50 mg/dscm (0.022 gr/dscf).

L. Standards of Performance for Sewage Treatment Plants

1. Standards for Particulate Matter - particulate emissions from any sewage sludge incinerator shall not exceed: (a) 0.65 g/kg dry sludge input (1.30 lbs./ton dry sludge input) (b) 20 percent opacity (excluding the effects of uncombined water).

APPENDIX B

Utah uses a "Clearing Index" as a determining factor in granting permission for certain classes of open burning. The clearing index is directly related to atmospheric stability, indicating periods of ambient pollutant increase. The critical value has been found to be 500; lower values indicate atmospheric stagnation.

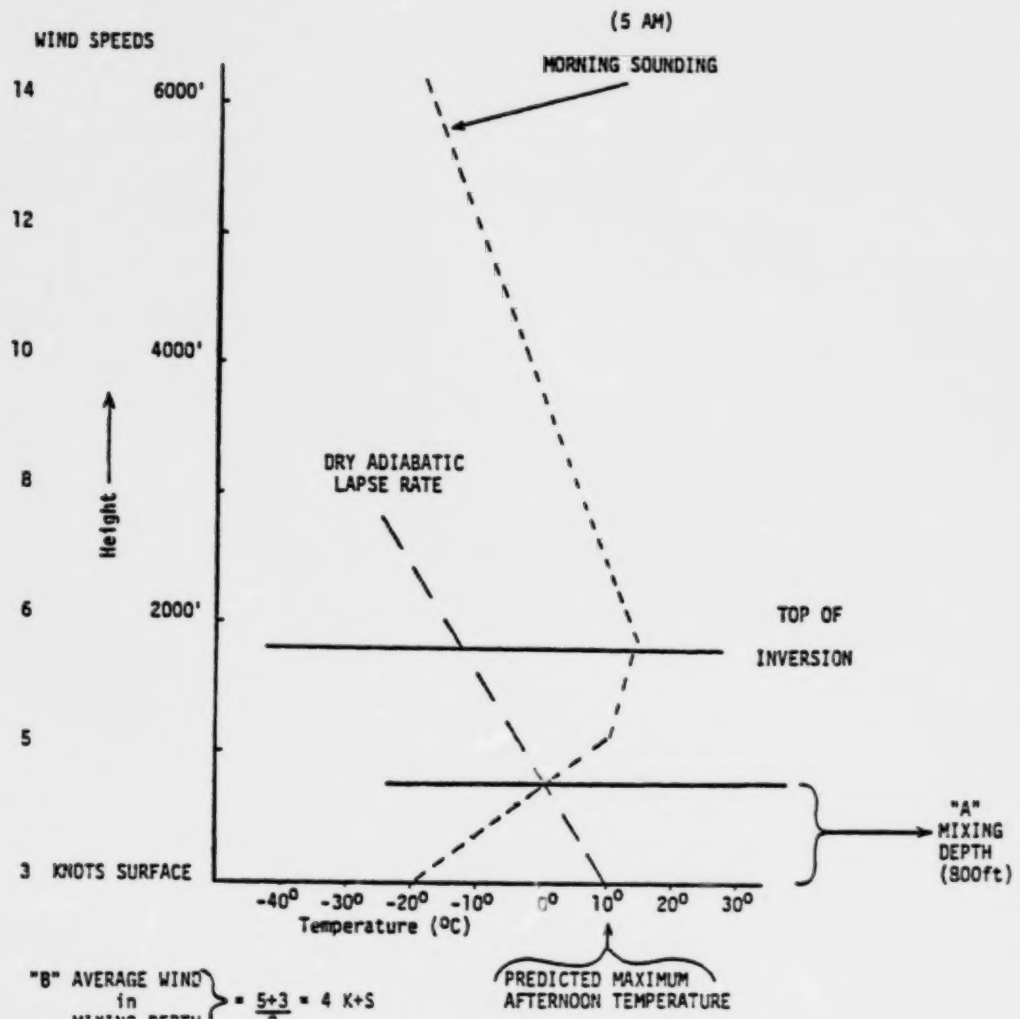
Under stable meteorological conditions (including temperature inversions), normal dispersion of pollutants emitted to the atmosphere is markedly diminished. In the Wasatch Front (Provo to Ogden), inversions occur almost daily. In the period March through October, stable atmospheric conditions build only during evening and night; during the daytime, surface heating normally causes the air to become unstable thus dispersing pollutants through a deep layer of the atmosphere and consequently decreasing any pollution concentrations to insignificant levels. In the period November through February, cold air drainage from the mountains into the valleys sometimes causes deep temperature inversions to exist for periods up to three weeks without interruption. During such conditions, visibility decreases because of the formation of fog aggravated by increased particulate concentration.

Photochemical smog (the eye irritant characteristic of Los Angeles inversions) is caused by the interaction of certain organic pollutants with oxidizing pollutants and ultra violet light from the sun. These eye irritants are not a problem in Utah for two reasons: (a) the only time concentrations of organic and oxidizing pollutants could reach levels sufficient to form photochemical smog is under a severe prolonged inversion (which occur only in winter in Utah) (b) in the winter, insolation is of such short duration and at such an acute angle that very little photochemical reaction results. This is the exact opposite to the Los Angeles situation in which the inversions caused by the sea breeze trap the photochemical oxidants which are then acted upon by the high altitude and long duration summer sun.

An example of the method of calculation of the clearing index is diagramatically shown on the following page.

9/26/74

CLEARING INDEX



$$\text{CLEARING INDEX} = \frac{\text{"A"} \times \text{"B"}}{100} = \frac{800 \times 4}{100} = \frac{32}{}$$

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FEDERALLY PROMULGATED

REGULATIONS

(50.2) 52.2325 Control strategy: Sulfur oxides.

(a) The requirements of 51.13 of this chapter are not met since the plan does not provide an adequate control strategy to assure the attainment and maintenance of the national standards for sulfur oxides in the Wasatch Front Intrastate Region. Furthermore, section 2.5 of the Utah Air Conservation Regulations is disapproved because it does not provide for attainment of the short-term ambient standards for SO_2, is unenforceable, and allows the utilization of a supplementary control system without requiring the application of reasonably available control technology.

(b) The requirements of 51.13 of this chapter are not met since the plan does not contain an adequate control strategy to provide for the maintenance of the national standards for sulfur oxides in the Utah portion of the Four Corners Interstate Region.

(c) Regulation for control of fugitive sulfur oxides emissions (Wasatch Front Intrastate Region).

(1) The owner or operator of the Kennecott Copper Corporation smelter located in Salt Lake County, Utah, in the Wasatch Front Intrastate Region shall utilize best engineering techniques for reducing escape of pollutants to the atmosphere and to capture sulfur oxides emissions and vent them through a stack or stacks. Such techniques shall include, but not be limited to:

(i) Installing and operating primary hoods on each active reactor,

(ii) Installing and operating primary and secondary hoods on each active converter,

(iii) Maintaining all ducts, flues, and stacks in a leak-free condition,

(iv) Maintaining all reactors and converters under normal operating conditions in such a fashion that out leakage of gases to the air will be prevented to the maximum extent possible,

(v) Wherever possible, ducting emissions through the tallest stack or stacks serving the facility, and

(vi) Wherever possible, passing the effluent from all hooding through the tallest stack or stacks serving the facility.

(2) (i) The owner or operator of the smelter subject to this paragraph shall comply with the compliance schedule specified below:

(a) December 15, 1975. Submit a final plan to the Administrator for meeting the requirements of paragraph (c) (1) of this section. Such plans shall be subject to approval by the Administrator.

(b) January 31, 1976. Let contracts or issue purchase orders for emission capture systems.

(c) April 1, 1976. Institute on-site construction and/or installation of emission capture equipment.

(d) May 31, 1977. Complete on-site construction and/or installation of emission capture system.

(e) July 31, 1977. Achieve final compliance with the requirements of paragraph (c) (1) of this section.

(ii) Any owner or operator of the smelter subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 31, 1977. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirements of this subparagraph for the affected source.

(iii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(d) Regulation for control of sulfur oxides emissions (Wasatch Front Intrastate Region).

(1) The owner or operator of the Kennecott Copper Corporation smelter located in Salt Lake County, Utah, in the Wasatch Front Intrastate Region shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of 6030 pounds per hour (2710 kg/hr) as determined by the method specified in paragraph (d) (4) of this section. Such limitation shall apply to the sum total of sulfur dioxide

emissions from the smelter premises, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

(2) (i) The owner or operator of the smelter subject to this paragraph shall comply with the compliance schedule specified below:

(a) December 15, 1975. Submit a final plan to the Administrator for meeting the requirement of subparagraph (1) of this paragraph. Such plan shall be subject to approval by the Administrator.

(b) January 31, 1976. Let contracts or issue purchase orders for emission control systems and process modifications.

(c) April 1, 1976. Initiate on-site construction and/or installation of emission control system and process change.

(d) May 31, 1977. Complete on-site construction and/or installation of emission control system and process change.

(e) July 31, 1977. Achieve final compliance with the requirements of subparagraph (1) of this paragraph.

(ii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iii) Notice must be given to the Administrator at least 30 days prior to conducting a performance test to afford him the opportunity to have an observer present.

(iv) The owner or operator of the smelter subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the date for attainment of national standards in the applicable implementation plan. If approved by the Administrator, such

schedule shall satisfy the compliance schedule requirements of this subparagraph for the affected source.

(3) (i) The owner or operator of the smelter to which this paragraph is applicable shall install, calibrate, maintain, and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which emits 5 percent or more of the total potential (without emission controls) hourly sulfur oxides emissions from the source. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack, in each 15-minute period.

(ii) No later than May 31, 1977 and at such other times in the future as the Administrator may specify the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this part.

(iii) No later than May 31, 1977 and at such other times in the future as the Administrator may specify the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this part.

(iv) The Administrator shall be notified at least 30 days in advance of the start of the field test period required in Appendices D and E to this part to afford the Administrator the opportunity to have an observer present.

(v) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m^2 (50 ft^2) or at a point no closer to the wall than 0.914 m (3 ft) if the cross sectional area is 4.647 m^2 (50 ft^2) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the average concentration of the duct.

(vi) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) Six-hour average sulfur dioxide emission rates shall be calculated in accordance with paragraph (d) (4) of this section, and recorded daily.

(viii) The owner or operator of the smelter subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed as pounds of sulfur dioxide emitted per six-hour period. A six-hour average value calculated pursuant to paragraph (d) (4) (i) of this section shall be reported as of each hour for the preceding six-hour period. Results shall be summarized monthly and shall be submitted to the Administrator within 15 days after the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(ix) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable on July 31, 1977.

(4) (i) Compliance with the requirements of paragraph (d) (1) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (d) (3) of this section. For all stacks equipped with the measurement system(s) required by paragraph (d) (3) of this section, a six-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour, for the preceding six hours in the following manner:

(a) Divide each 6-hour period into 24 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of

sulfur dioxide concentrations and stack gas flow rate measurements (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average (lbs SO_2/hr) from all 24 emission rate measurements in each 6-hour period for each stack.

(d) Total the average sulfur dioxide emission rates for all affected stacks.

(ii) Notwithstanding the requirements of paragraph (d) (4) (i) of this section, compliance with the requirements of paragraph (d) (1) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by subparagraph (3) of this paragraph, a 6-hour average sulfur dioxide emission rate (lbs SO_2/hr) shall be determined as follows:

(a) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other relevant conditions as the Administrator shall specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the overall test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three 6-hour periods for each stack. Each 6-hour period will consist of three consecutive

2-hour tests. Measurements need not necessarily be conducted simultaneously of emissions from all stacks on the smelter premises. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each 2-hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter.

(f) The gas sample shall be extracted at a rate proportional to gas velocity at the sampling point.

(g) For each 2-hour test, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft^3/hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft^3 at standard conditions, dry basis). The emission rate in lbs/hr for each stack is determined by calculating the arithmetic average of three independent 6-hour periods, each consisting of three 2-hour tests.

(h) The sum total of sulfur dioxide emissions from the smelter premises in lbs/hr is determined by adding together the emission rates (lbs/hr) from all stacks equipped with the measurement systems required by subparagraph (3) of this paragraph.

(iii) A violation of the requirements of paragraph (d) (1) shall occur whenever the total sulfur dioxide emission rate determined according to paragraph (d) (4) (i) or (ii) of this section exceeds the sulfur dioxide emission rate specified in paragraph (d) (1) of this section.

(e) Compliance with emission standards; Reporting excess emissions during periods of start-up, shutdown, and malfunction: Kennecott smelter complex.

(1) The provisions of this paragraph are applicable to the Kennecott Copper Corporation located in Salt Lake County, Utah, in the Wasatch Front Intrastate Air Quality Control Region.

(2) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or Parts 51, 52, or 60 of this chapter.

(i) The term "excess emissions" means an emission rate which exceeds any applicable emission limitation prescribed by paragraph (d) of this section. The averaging time and test procedures for determining such excess emissions shall be as specified as part of the applicable emission limitation.

(ii) The term "manfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or a process to operate in a normal and usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

(iii) The term "start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

(iv) The term "shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

(v) The term "violation" means any incident of excess emissions, regardless of the circumstances of the occurrence.

(3) (i) In the case of excess emissions from the Kennecott smelter for which the Administrator has issued a Notice of Violation, the owner or operator of the subject smelter may submit the following data in order to assist the Administrator in carrying out his statutory responsibility under section 113 of the Clean Air Act to:

(A) take into account, when issuing an administrative order under section 113(a) (4), the "seriousness of the violation and any good faith efforts to comply" with paragraph (d) of this section, or

(B) initiate a judicial action under section 113(b) (1) or (2) or section 113(c) (1) (A) or (B), in appropriate circumstances.

(ii) Each submission shall include, as a minimum:

(A) The identity of the stack and/or other emission point where the excess emissions occurred:

(B) The magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;

(C) The time and duration of the excess emissions;

(D) The identity of the equipment causing the excess emissions;

(E) The nature and cause of such excess emissions;

(F) If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions;

(G) The steps taken to limit the excess emissions; and

(H) Documentation that the air pollution control equipment, process equipment, or processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

(4) At any time, the owner or operator of the Kennecott smelter has the right to submit data, information or reports to the Administrator, including but not limited to the information specified in paragraph (e) (2) (ii) above, in order to assist the Administrator in carrying out his statutory responsibilities under sections 113 and 303 of the Clean Air Act.

(5) The submittal of information pursuant to paragraphs (e) (3) and (4) of this paragraph shall be used by the Administrator in determining the nature of the violation, the need for further enforcement action and the appropriate sanctions, if any, under the provisions of the Clean Air Act.

(6) Nothing in this section shall be construed to limit the obligation of the source to attain and maintain the national air quality standards for SO_2 nor the authority of the Administrator to institute actions under sections 113 and 303 of the Clean Air Act or to exercise his authority under section 114 of the Clean Air Act.

(6.0) 52.2327 Compliance schedules.

(a) The requirements of 51.15 (a) (1) of this chapter are not met since the control strategy for sulfur oxides in the Wasatch Front Intrastate Region does not have a legally enforceable compliance schedule.

(b) Federal compliance schedule.

(1) Except as provided in paragraph (b) (2) of this section, the owner or operator of any stationary source subject to 52.2330 (c) shall comply with such regulation on or before January 31, 1974. The owner or operator of the source subject to 52.2330 (b) shall comply with such regulation at initial startup of such source unless a compliance schedule has been submitted pursuant to paragraph (b) (2) of this section.

(i) Any owner or operator in compliance with 52.2339 (c) on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with 52.2330 (b) or (c) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (b) (1) of this section may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with 52.2330 (b) or (c) (1) (i) as expeditiously as practicable but no later than July 31, 1975.

(3) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts of construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of on-site construction or installation of emission control equipment or process modification; and final compliance.

(4) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(10.0) 52.2328 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(50.1) 52.2330 Rules and regulations; Particulate matter.

(a) The requirements of 51.22 of this chapter are not met since section 3.5 of the Utah Code of Air Conservation Regulations, pertaining to particulate emissions from stationary sources, is not legally enforceable and is therefore disapproved.

(b) Replacement for section 3.5 (Four Corners Interstate Region).

(1) The owner or operator of the fossil fuel-fired steam generating equipment designated as Unit 2 at the Huntington Canyon powerplant in the Utah portion of the Four Corners Interstate Region (81.121 of this chapter) shall not discharge or cause the discharge of particulate matter into the atmosphere in excess of 0.075 lbs. per 10^6 B.T.U. (0.135 g. per million cal.) heat input.

(2) Compliance with this paragraph (b) shall be in accordance with provision of 52.2327(b).

(3) The test methods and procedures used to determine compliance with this paragraph (b) shall be those prescribed for particulate matter in 60.46 of this chapter.

(c) Replacement for section 3.5 (Wasatch Front Intrastate Region) -

(1) Regulation for control of process sources.

(i) No owner or operator of any process source, except open hearth furnaces, sintering plants, copper smelting operations (reactors and converters) and byproduct coke ovens, in the Wasatch Front Intrastate Region (81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the hourly rate shown in the following table for the process weight rate identified for each source.

POUNDS PER HOUR

Process weight rate	Emission rate
100	0.551
200	0.877
600	1.830
1,000	2.580
5,000	7.580
10,000	12.00
20,000	19.20
60,000	40.00
80,000	42.50
120,000	46.30
160,000	49.00
200,000	51.20
1,000,000	69.00
2,000,000	77.60

(A) Interpolation of the data in the table for process weight rates up to 60,000 lb/h shall be accomplished by use of the equation:

$$E=4.10P^{0.67} \text{ for } P\leq 30 < \text{tons/h}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/h shall be accomplished by use of the equation:

$$E=55.0P^{0.11} - 40 \quad P>30 \text{ tons/h}$$

Where:

E = Emissions in pounds per hour.
P = Process weight in tons per hour.

(B) Process weight is the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per

hour will be derived by dividing the process weight for a given period of time by the number of hours in that period.

(ii) No owner or operator of any open hearth furnace in the Wasatch Front Intrastate Region shall discharge or cause the discharge of particulate matter into the atmosphere from such furnaces in excess of 0.027 grains per standard cubic foot of exhaust gas, maximum 8-hour average.

(A) The owner or operator of any open hearth furnace subject to paragraph (c) (1) (ii) of this section shall comply with the compliance schedule specified below:

(1) October 1, 1974 - Submit a control plan to the Administrator for meeting the requirements of paragraph (c) (1) (ii) of this section. Such plan shall be subject to approval by the Administrator.

(2) November 1, 1974 - Let contracts or issue purchase orders for emission control systems and/or process modifications.

(3) December 1, 1974 - Initiate on-site construction and/or installation of emission control equipment or process change.

(4) January 1, 1975 - Complete on-site construction and/or installation of emission control system or process change.

(5) March 1, 1975 - Achieve final compliance with requirements of paragraph (c) (1) (ii) of this section.

(B) The owner or operator of any open hearth furnace subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 31, 1975. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirement of this paragraph for the affected source.

(iii) No owner or operator of any sintering plant in the Wasatch Front Intrastate Region shall discharge or

cause the discharge of particulate matter into the atmosphere from such plant in excess of 0.035 grains per standard cubic foot of exhaust gas, maximum 2-hour average.

(A) The owner or operator of any sintering plant subject to this paragraph shall comply with the requirements of paragraph (c) (1) (iii) within 30 days after the effective date of this regulation.

(B) If the owner or operator of any sintering plant subject to this paragraph cannot comply within thirty (30) days after promulgation of this regulation, he may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 31, 1975. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirements of this paragraph for the affected source.

(iv) No owner or operator of any copper smelting operation in the Wasatch Front Intrastate Region shall discharge or cause the discharge of particulate matter into the atmosphere from the stack or stacks serving the reactor and converter operations in excess of 1340 pounds per hour, maximum 6-hour average, or allow the escape of any fugitive particulate matter emissions which can be captured and controlled using best available techniques.

(A) The owner or operator of any smelter subject to this paragraph shall comply with the compliance schedule specified below:

(1) December 15, 1975 - Submit a final plan to the Administrator for meeting the requirements of paragraph (c) (1) (iv) of this section. Such a plan shall be subject to approval by the Administrator.

(2) January 31, 1976 - Let contracts or issue purchase orders for emission capture systems.

(3) April 1, 1976 - Initiate on-site construction and/or installation of emission capture equipment.

(4) May 31, 1977 - Complete on-site construction and/or installation of emission capture system.

(5) July 31, 1977 - Achieve final compliance with the requirements of paragraph (c) (1) (iv) of this section.

(2) Fuel burning sources: No owner or operator of any stationary source in the Wasatch Front Intrastate Region (81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere from fuel-burning equipment, with the exception of carbon monoxide waste heat boilers, in excess of the rate set forth in the following table:

Total rated capacity (10^6 BTU/h)	Maximum allowable emission of particulate matter (lb/10^6 BTU)
10 or less	0.60
100	0.42
1,000	0.29
10,000 or more	0.20

The allowable emission rate for equipment having an intermediate total rated capacity between 10 MBTU and 10,000 MBTU/h may be determined by the formula:

$$A=0.87C^{-0.16}$$

Where: A = The allowable emission rate in lb/10^6 BTU
C = The total rated capacity in 10^6 BTU/h

(3) Incinerators: No person in the Wasatch Front Intrastate Region (81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of 0.16 lb (72.6 g) per 100 pounds (45.4 kg) of refuse charged, from any incinerator with a waste burning capacity equal to or in excess of 10,000 lb (4,500 kg) per hour.

(i) Emission tests shall be conducted at the maximum burning capacity of the incinerator.

(4) Byproduct coke ovens. No owner or operator of any byproduct coke oven in the Wasatch Front Intrastate Region (81.52 of this chapter) shall operate any coke oven during the pushing and charging operations in such a manner as to cause, permit or allow the emissions of visible particulate matter except

that visible emissions shall be allowed for a period or periods aggregating no more than 35 seconds for each charging operation and 45 seconds for each pushing operation, averaged over a period of any four consecutive hours for each battery. The charging operation shall be observed from the top side of the battery, downwind of the larry car where all ports and hoppers can be clearly observed (approximately 30 feet from the charging holes). The pushing operation shall be observed from immediately outside of the coke wharf in front of the coke oven being pushed. This paragraph does not exempt the pushing operations from compliance with section 3.2, Visible Emissions, Utah Code of Air Conservation Regulations which is part of the approved State Implementation Plan.

(i) No owner or operator of any coke oven subject to paragraph (c) (4) of this section shall discharge or cause the discharge into the atmosphere of any visible emissions except non-smoking flame, from more than 5 percent each of the coke oven doors, charging hole covers, and standpipes, and from more than 10 percent each of the chuckdoors and elbow covers. Compliance with this requirement shall be determined by observations taken not less than 45 minutes apart from the top side of the battery for the charging hole covers, standpipes and elbow covers; from outside the coke wharf area for coke-side doors; and from outside the pusher track area for the pusher-side doors and the chuckdoors. Only sources found to be discharging visible emissions during two consecutive observations shall be counted in determining violations.

(ii) No owner or operator of any coke oven subject to paragraph (c) (4) of this section shall operate a coke quenching tower unless such quenching tower is equipped with interior baffles.

(iii) The owner or operator of any coke oven subject to this paragraph shall comply with the requirements of paragraph (c) (4) of this section within 30 days after the effective date of this regulation.

(iv) If any owner or operator of the coke oven subject to this paragraph can not comply within 30 days after the effective date of this regulation, he may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed compliance schedule. No such compliance schedule may provide for final compliance after July 31, 1975. If approved by the Administrator, such

schedule shall satisfy the compliance schedule requirements of this paragraph for the affected source.

(5) The test methods and procedures used to determine compliance with paragraph (c) (1) of this section are set forth below. The methods referenced are contained in the appendix to part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using method 5, except that compliance with paragraph (c) (1) (iv) of this section shall be determined by modifying method 5 to maintain a gas temperature above the sulfuric acid dew point (320° F minimum) at the exit end of the sampling probe and to utilize 80 percent isopropanol as the reagent in the first two impingers in place of water. Determination of the sulfuric acid mist concentration (including sulfur trioxide) collected by this modified method shall be based on the procedures described in method 8. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 feet^3 (1.170 m^3) corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 4.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(6) The test methods and procedures used to determine compliance with paragraph (c) (2) of this section shall be those prescribed for particulate matter in 60.46 of this chapter.

(7) The test methods and procedures used to determine compliance with paragraph (c) (3) of this section shall be those in 60.54 of this chapter.

(8) The procedures used to determine compliance with this paragraph are prescribed in method 9 in the appendix to Part 60 of this chapter.

(9) Compliance with this paragraph shall be in accordance with 52.2327(b).

(10.0) 52.2334 Review of new sources and modifications.

(a) Regulation for review of new sources and modifications: Federal Regulation.

(1) This requirement is applicable to any stationary source subject to the requirements of 52.2330, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will operate without causing a violation of 52.2330.

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (a) (4) (ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructued, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and the State and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be

made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (a) (4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may impose any reasonable conditions upon an approval including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require.

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with the methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and also may conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with the requirements of 52.2330.

(9) Approval to construct or modify shall not relieve the owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

(10) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(b) Delegation of authority.

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to this section in accordance with paragraphs (g) (2), (3), and (4) of this section.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a Regional Office of the Environmental Protection Agency, a copy of the notice pursuant to paragraph (a) (4) (iii) of this section shall be sent to the Administrator through the appropriate Regional Office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified source located on Federal lands; except that, with

respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuand to leasing or other Federal agreements, the Federal Land Manager may at his discretion, to the extent permissible under applicable statues and regulations require the lessee or permittee to be subject to new source review requirements which have been delegated to a State or local agency pursuant to this paragraph.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a Regional Office of the Environmental Protection Agency, for new or modified sources which are located in Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with paragraphs (g) (2), (3) and (4) of this section.

(17.0) 52.2346 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

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